Executive Summary – Enforcement Matter – Case No. 45841 Benbrook Texas Limited Partnership RN102963238

Docket No. 2012-2700-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Benbrook Village MHP, 5130 Ben Day Murrin Road, Lot 841, Fort Worth, Tarrant

County

Type of Operation:

Wastewater treatment facility **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 4, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,371

Amount Deferred for Expedited Settlement: \$13,074 **Amount Deferred for Financial Inability to Pay:** \$48,697

Total Paid to General Revenue: \$100 Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: September 6, 2012 through October 22, 2012, and October

1, 2012

Date(s) of NOE(s): November 16, 2012

Violation Information

- 1. Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained. Specifically, the on-site lift station did not have functional audible or visual alarms and only had one functional pump. Additionally, the effluent filter was not in use, the return activated sludge line was not fully functional and the entire plant showed signs of severe corrosion [30 Tex. ADMIN. CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014792001, Operational Requirements No. 1].
- 2. Failed to comply with permitted effluent limits for total suspended solids ("TSS"), dissolved oxygen, total residual chlorine, and 5-day biochemical oxygen demand ("BOD") [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014792001, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6].
- 3. Failed to collect and analyze quarterly effluent samples for *E. coli*. Specifically, effluent samples for *E. coli* were not collected and analyzed for the quarterly periods ending December 31, 2011, March 31, 2012, and June 30, 2012 [30 Tex. Admin. Code §§ 305.125(1) and 319.4 and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 1].
- 4. Failed to perform all measurements, tests and calculations in a representative manner to ensure the accurate reporting of data. Specifically, it was documented that the Respondent did not report the daily average concentrations of 5-day BOD and TSS using an arithmetic average for the months of February, March, May, July, September and December 2011 and February 2012. Additionally, the total chlorine residual effluent data as shown in the operator's daily log of measurements was inconsistent with the data that was reported on the discharge monitoring reports ("DMRs") for the months of January, February, April, May, July and October 2011 and March, May and September 2012 [30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a.].
- 5. Failed to timely submit effluent monitoring results as specified in the permit. Specifically, the DMR for the monitoring period ending October 31, 2011, was not submitted by the 20th day of the following month [30 Tex. Admin. Code §§ 305.125(1)

and 319.7(d) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 1].

- 6. Failed to submit non-compliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more for the monitoring periods ending June 30, 2012 through August 31, 2012 [30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 7.c.].
- 7. Failed to properly conduct analysis of the total chlorine residual of collected effluent samples. Specifically, a review of the operator's daily log of measurements showed that a manganese oxide correction was not included on part of the total chlorine residual analysis on May 14, 2012 [30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a.].
- 8. Failed to prevent the unauthorized discharge of wastewater. Specifically, a discharge occurred on July 31, 2012, at the on-site lift station due to a power failure and a discharge occured on September 5 and 6, 2012, due to a return activated sludge pump malfunction [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Permit Conditions 2.g.].
- 9. Failed to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely effecting human health or the environment. Specifically, there was a large accumulation of sludge in the receiving stream located directly around the outfall pipe; when stirred, the sludge was noted to be septic and malodorous [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Permit Conditions 2.d and Effluent Limitations and Monitoring Requirements No. 4].
- 10. Failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 30, 2010 [30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014792001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On September 18, 2012, removed sludge from the receiving stream, ensured proper disposal and implemented a solids management plan;
- b. On January 2, 2013, the DMR for the monitoring period ending October, 31, 2011, was submitted;

- c. On January 2, 2013, documentation was submitted demonstrating that the analysis of the total chlorine residual of collected effluent samples is being properly conducted; and
- d. On January 2, 2013, documentation was submitted demonstrating that waste from discharges that occurred has been cleaned up and disposed of properly and maintenance has been performed on the treatment plant and lift station to reduce the likelihood of the occurrence of future unauthorized discharges.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Submit the annual sludge report, including the sludge summary, for the monitoring period ending July 31, 2010;
- ii. Submit the revised and corrected DMRs for September 2011, October 2011, December 2011, February 2012, March 2012, May 2012, and September 2012;
- iii. Update the Facility's operational guidance and conduct employee training to ensure the following:
- (1) Self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports and DMRs;
- (2) Collection and analysis of quarterly effluent samples for $E.\ coli;$
- (3) All measurements, tests and calculations are performed in a representative manner to ensure the accurate reporting of data; and
- (4) Non-compliance notifications for effluent violations that exceed the permitted limit by 40% or more are properly reported.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 90 days, ensure that all systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to, installing an additional pump at the on-site lift station, repairing the auditory and visual alarms at the on-site lift station, placing the effluent filter in use, restoring the return activated sludge line to full functionality and repairing or replacing equipment that shows signs of excessive corrosion to ensure their proper operation.

d. Within 105 days, submit written certification of compliance with Ordering Provision c.

e. Within 180 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014792001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Remington Burklund, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2611; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Kim Solis, Area Manager, Benbrook Texas Limited Partnership, 120

West Lexington Avenue, Elkhart, Indiana 46516

Brian Smith, Director, Benbrook Texas Limited Partnership, 120 West Lexington

Avenue, Elkhart, Indiana 46516 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 19-Nov-2012 PCW 13-Feb-2013 Screening 5-Dec-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Benbrook Texas Limited Partnership Reg. Ent. Ref. No. RN102963238 Major/Minor Source Minor Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION Enf./Case ID No. 45841 No. of Violations 3 Docket No. 2012-2700-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit No Enf. Coordinator Stephen Thompson Multi-Media EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$5,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Subtotals 2, 3, & 7 \$3,250 65.0% Enhancement Enhancement for four months of self-reported effluent violations, one order containing denial of liability and one order without denial of Notes liability. 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$100 0.0% Enhancement* Subtotal 6 **Economic Benefit** \$0 Total EB Amounts *Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$8,150 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$8,150 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$8,150

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Deferral offered for expedited settlement.

Reduction Adjustment

-\$1,630

\$6,520

20.0%

Screening Date 5-Dec-2012

Docket No. 2012-2700-MWD-E

Respondent Benbrook Texas Limited Partnership

Case ID No. 45841

Reg. Ent. Reference No. RN102963238

Media [Statute] Water Quality

Enf. Coordinator Stephen Thompson

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%

	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
3.10	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations, one order containing denial of liability and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	111111 11111 11111 1111 1111 1111 1111 1111	PCW
Case ID No.	45841	ry Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute] Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Eliminat System ("TPDES") Permit No. WQ0014792001, Sludge Provisions	ion
Violation Description	Failed to submit the annual sludge report for the monitoring period ending Jul 2010 by September 30, 2010, as documented during an investigation condu on September 6 and 13, 2012.	
****	Base Pe	nalty \$10,000
>> Environmental, Prope	ty and Human Health Matrix	1
Release	Harm Major Moderate Minor	
OR Actua Potential		A ATTACA
>>Programmatic Matrix		an annuary
Falsification	Major Moderate Minor X Percent 10%	**************************************
	Percent 10%	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$	9,000
		\$1,000
Violation Events		
Number of	Violation Events 1 365 Number of violation days	•
	daily	
	weekly monthly	
mark only one with an x	quarterly Violation Base Pe	nalty \$1,000
	semiannual x	
	single event	
	One annual event is recommended.	
Good Faith Efforts to Com	ply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	Terror Alexandra et Alla
	Violation Sub	ototal \$1,000
Economic Benefit (EB) for	this violation Statutory Limit Te	st
	ted EB Amount \$43 Violation Final Penalty	
	This violation Final Assessed Penalty (adjusted for li	

Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	1
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
tteni vescription	□ NO COMMAS OF \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	30-Sep-2010	1-Aug-2013	2.84	\$35	n/a	\$35
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$50	30-Sep-2010		0.00 2.84	\$0 \$7	n/a	\$0 \$7
	L					nated date of compl	
	; ANNUAL	TZF [1] avoided	costs before		ia item (except	for one-time avoid	
Avoided Costs		TEE LEY GROINED		Janes Contractors		r	
Disposal				0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0	\$0 \$0
Disposal Personnel pection/Reporting/Sampling				0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Professional Control C		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel ipection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
	· ·	ion 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		vision October 30, 2008
Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a	
Violation Description	Failed to perform all measurements, tests and calculations in a representative manner to ensure the accurate reporting of data, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, it was documented that the Respondent did not report the daily average concentrations of biochemical oxygen demand ("BOD") and total suspended solids ("TSS") using an	
A COLUMN AND A COL	Base Penalty	\$10,000
>> Environmental Brance	ty and Human Health Matrix	Описина
	Harm	THE PRINCE IS
Release		annestativ
OR Actual Potential		THE PROPERTY OF THE PROPERTY O
>>Programmatic Matrix		
Falsification	Major Moderate Minor	whertwikke
<u> </u>	X Percent 5%	***************************************
Matrix Notes	Between 30 and 70% of the rule requirement was not met.	
	Adjustment \$9,500	
3444	I. I	
		\$500
Violation Events		
Number of	Violation Events 6 181 Number of violation days	
· ·	daily (IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	***************************************
	weekly REPRESENTED	activates (cal
mark only one	monthly quarterly Violation Base Penalty	\$3,000
with an x	quarterly Violation Base Penalty semiannual	\$3,000
	annual	
	single event x	
		1
	Six single events (one for each inaccurate DMR) are recommended.	
Good Faith Efforts to Com	ply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	T-
	Extraordinary	***************************************
	Ordinary	
	N/A x ((mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
	this violation.	4
	Violation Subtotal	\$3,000
		\$3,000
Economic Benefit (EB) for	this violation Statutory Limit Test	
Estimal	red EB Amount \$49 Violation Final Penalty Total	\$4,950
333333333333333333333333333333333333333	This violation Final Assessed Penalty (adjusted for limits)	\$4,950

	■ Water Quality					Percent Interest	Years of Depreciation
Violation No						5.0	Depreciació 1:
	Trem Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
Item Description			raiui Duic		imerest suveu	Directine Costs	LD AMOUNT
ttens pesusprior	r no commes or a						
Delayed Costs							
Equipment				0.00	T \$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	U.S. Committee			0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	20-Feb-2011	1-Aug-2013	2.45	\$31	n/a	\$31
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	20-Feb-2011	1-Aug-2013	2.45	\$18	n/a	\$18
Notes for DELAYED rosts	8	its, calculations ar	nd reporting of (data ar	e properly perforn	employee training to ned and to submit co	orrected DMRs
Notes for DELAYED costs	8	its, calculations ar	nd reporting of (data ar	e properly perforn the first inaccurate		orrected DMRs
Notes for DELAYED costs Avoided Costs	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data ar ate of t compli	e properly perform the first inaccurate iance.	ned and to submit co	orrected DMRs ted date of
	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data ar ate of t compli	e properly perform the first inaccurate iance.	ned and to submit co DMR to the estimal	orrected DMRs ted date of
Avoided Costs	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data ar ate of t compli enterio	e properly perforn the first inaccurate lance. ng item (except	ned and to submit or DMR to the estimater one-time avoice.	orrected DMRs ted date of ded costs)
Avoided Costs	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data ar ate of t compli enterin 0.00	e properly perform the first inaccurate lance. ng item (except \$0	ned and to submit or DMR to the estimat for one-time avoid \$0	orrected DMRs ted date of ded costs) \$0
Avoided Costs Disposal Personnel	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data ar ate of t compli enteria 0.00 0.00	e properly perform the first inaccurate iance. ng item (except \$0 \$0 \$0 \$0 \$0	ned and to submit or DMR to the estimate for one-time avoid \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 jtem (except \$0 \$0 \$0 \$0 \$0	ned and to submit or DMR to the estimate for one-time avoid \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 jtem (except \$0 \$0 \$0 \$0 \$0	ned and to submit or DMR to the estimate for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	(\$25 per	its, calculations ar DMR), calculated	nd reporting of a from the due d	data are ate of to compliant of the comp	e properly perform the first inaccurate lance. 19 item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	orrected DMRs ted date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		PCW
Respondent Case ID No.	•	vision 2 (September 2002) Revision October 30, 2008
Reg. Ent. Reference No.		1000 000000 33, 2000
Media [Statute]		
Enf. Coordinator Violation Number		26
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a	
	Failed to properly conduct analysis of the total chlorine residual of collected effluen	
Violation Description	samples, as documented during an investigation conducted on September 6 and 13	. 8
	Base Penalt	\$10,000
>> Environmental Drono	ty and Human Health Matrix	,
>> cirenonimental, riopei	Harm	00000000000000000000000000000000000000
Release OR Actual	Major Moderate Minor	2,000
Potential		www.www
		and the second s
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 0%	
<u> </u>		
i i i i i i i i i i i i i i i i i i i	this violation human health or the environment could be exposed to an insignificant	
Notes	amount of contaminants which would not exceed protective levels.	
	Adjustment \$9,50	<u> </u>
		\$500
Violation Events		
Number of '	Violation Events 2 2 Number of violation days	
Wallibel 0.	roddon Evend	
	daily	
	weekly monthly monthly	
mark only one with an x	quarterly Violation Base Penalt	\$1,000
	semiannual annual	
	single event x	
		 1
	Two single events (one for each analysis) are recommended.	
Links and the second		
Good Faith Efforts to Com	ply 10.0% Reduction	\$100
	Before NOV NOV to EDPRP/Settlement Offer	****
миничин	Extraordinary X	
TO THE STATE OF TH	N/A (mark with x)	
	Notes The Respondent achieved compliance on January 2, 2013.	
	Violation Subtot	al \$900
Economic Benefit (EB) for		
	ed EB Amount \$22 Violation Final Penalty Tot.	al \$1,550
100 W 122 P 102 h	Translated to the control of the con	
	This violation Final Assessed Penalty (adjusted for limits	s) \$1,550

Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
AIGISTION MO.	3					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	12-Apr-2011	2-Jan-2013	1.73	\$22	n/a	\$22
				0 00	40		\$0
Remediation/Disposal				0.00	\$0	n/a	30
				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs Other (as needed)				0.00 0.00 unt nec	\$0 \$0 cessary to conduct	n/a n/a employee training	\$0 \$0 to ensure that
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt ned perform the da	\$0 \$0 cessary to conduct med, calculated fro te of compliance.	n/a n/a employee training tom the date of the f	\$0 \$0 to ensure that irst inaccurate
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt ned perform the da	\$0 \$0 cessary to conduct med, calculated fro te of compliance. ng item (except	n/a n/a employee training form the date of the f	\$0 \$0 to ensure that irst inaccurate
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt ned perform the da entering 0.00	\$0 \$0 tessary to conduct med, calculated fro te of compliance.	n/a n/a n/a employee training to the date of the f for one-time avoid	\$0 \$0 to ensure that irst inaccurate ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt neo perform the da enterimantes 0.00 0.00	\$0 \$0 tessary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0	n/a n/a n/a employee training on the date of the f for one-time avoid \$0 \$0	\$0 \$0 to ensure that irst inaccurate ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt ned perform the da enterin 0.00 0.00 0.00	\$0 \$0 :essary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0 \$0	n/a n/a n/a employee training om the date of the f for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 to ensure that irst inaccurate ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00	\$0 \$0 cessary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a employee training of the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that test inaccurate ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00 0.00	\$0 \$0 cessary to conduct med, calculated fro te of compliance. ing item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a employee training to the date of the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that trst inaccurate ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00 0.00 0.00	\$0 \$0 tessary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a employee training to the date of the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that irst inaccurate ided costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2]	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00 0.00	\$0 \$0 cessary to conduct med, calculated fro te of compliance. ing item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a employee training to the date of the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that trst inaccurate ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00 0.00 0.00	\$0 \$0 tessary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a employee training to the date of the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that irst inaccurate ided costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the total chic	orine residual anal	ysis is properly analysis to	0.00 0.00 unt nec perform the da enterim 0.00 0.00 0.00 0.00 0.00	\$0 \$0 tessary to conduct med, calculated fro te of compliance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a employee training to the date of the f for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to ensure that irst inaccurate ided costs) \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 19-Nov-2012 Screening 5-Dec-2012 **EPA Due** PCW 13-Feb-2013 RESPONDENT/FACILITY INFORMATION Respondent Benbrook Texas Limited Partnership Reg. Ent. Ref. No. RN102963238 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 45841 No. of Violations 9 Order Type 1660 Docket No. 2012-2700-MWD-E Media Program(s) Water Quality Government/Non-Profit No Enf. Coordinator Stephen Thompson Multi-Media EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$35,375 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 \$22,993 65.0% Enhancement Enhancement for four months of self-reported effluent violations, one order containing denial of liability and one order without denial of Notes liability. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,387 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$7,837 Approx. Cost of Compliance \$109,600 SUM OF SUBTOTALS 1-7 \$56,981 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$240 Reduces or enhances the Final Subtotal by the indicated percentage Enhancement recommended to recover the avoided costs of compliance Notes

associated with violation nos. 3 and 6.

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

\$57,221

\$57,221

-\$11,444

\$45,777

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date 5-Dec-2012

Docket No. 2012-2700-MWD-E

Respondent Benbrook Texas Limited Partnership

Case ID No. 45841

Reg. Ent. Reference No. RN102963238

Media [Statute] Water Quality Enf. Coordinator Stephen Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	and the second second second	0%

	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
,	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

No Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7) Satisfactory Performer Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

>> Repeat Violator (Subtotal 3)

Compliance History Notes

Enhancement for four months of self-reported effluent violations, one order containing denial of liability and one order without denial of liability.

> Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date		PCW
Respondent Case ID No.	Benbrook Texas Limited Partnership 45841	Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.	RN102963238	
Media [Statute] Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and Texas Pollutant Discharge Elim System ("TPDES") Permit No. WQ0014792001, Operational Requiremen	
Violation Description	Failed to ensure that all systems of collection, treatment and disposal are operated and maintained, as documented during an investigation condusceptember 6 and 13, 2012. Specifically, the on-site lift station did not functional audible or visual alarms and only had one functional pump. Ad the effluent filter was not in use, the return activated sludge line was not functional and the entire plant showed signs of severe corrosion.	icted on t have ditionally, ect fully
• • • • • • • • • • • • • • • • • • •	Bas	e Penalty \$25,000
	ty and Human Health Matrix Harm	им полимент и полимент
Release OR Actual	Major Moderate Minor	TO THE PARTY OF TH
Potential	Percent 15.0%	THE PARTY OF THE P
>>Programmatic Matrix	Major Moderate Misor	
Falsification	Major Moderate Minor Percent 0.0%	TO THE STATE OF TH
Matrix Failure to pro	perly operate and maintain the Facility could expose human health or envir	onmental
Notes Paralle to pro	receptors to pollutants which would exceed protective levels.	
<u> </u>	Adjustment	\$21,250
		\$3,750
Violation Events		45,750
Number of \	violation Events 3 90 Number of violation	days
mark only one with an x	daily weekly monthly quarterly semiannual annual single event	e Penalty \$11,250
Three monthly	vevents are recommended, calculated from the date of the investigation, S 6, 2012, to the date of screening, December 5, 2012.	Geptember
Good Faith Efforts to Com	oly 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary Company Compa	
	N/A X (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation	Subtotal \$11,250
Economic Benefit (EB) for	this violation Statutory Limit	t Test
Estimate	ed EB Amount \$7,479 Violation Final Pen	alty Total \$18,641
	This violation Final Assessed Penalty (adjusted f	for limits) \$18,641

	E	conomic	Benefit	Wo	rksheet		
Respondent	Benbrook Texa	as Limited Partner	ship	-1771-171-1787-	\$ 1445 5 14 14 15 15 16 16 16 16 16 16 16 16 16 16 16 16 16		
Case ID No.			• •				
ea. Ent. Reference No.							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
violation No.	ı			H.8886-6.86 (1.86			
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
				ist in parteers	410001111111111111111111111111111111111		
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100,000	6-Sep-2012	1-Oct-2013	1.07	\$356	\$7,123	\$7,479
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0,00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	c	alculated from the	date of the inv	/estigal	tion to the estimat	epairs and rehabilit ed date of complian for one-time avoid	ce.
Disposal				0.00		\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

PCW		Screening Date
on 3 (September 2011)	, and the second se	
evision August 3, 2011		Case ID No. Reg. Ent. Reference No.
		Media [Statute]
		Enf. Coordinator
		Violation Number
		Rule Cite(s)
	Permit No. WQ0014792001, Effluent Limitations and Monitoring Requirements Nos.	,
	1, 2 and 6	
	Failed to comply with permitted effluent limits, as documented during a record review conducted on October 1, 2012, and as shown in the attached violation table.	Violation Description
	Teview conducted on october 1, 2012, and as shown in the attached violation table.	
		•
\$25,000	Base Penalty_	
	ty and Human Health Matrix	
	Harm	>> Environmental, Froper
		Release
A		OR Actual
	Percent 5.0%	Potential
	Major Moderate Minor	>>Programmatic Matrix Falsification
	Percent 0.0%	T disinedation
		<u> </u>
	model was used to evaluate biochemical oxygen demand to determine whether the	
	nount of pollutants exceeded levels protective of human health and the environment.	
111	total chlorine residual, dissolved oxygen and total suspended solids were considered.	Notes In addition, t
	It of these discharges, human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed protective levels.	As a resul
	insignificant amount of pollutarits which do not exceed protective revers.	<u>[</u>
	Adjustment \$23,750	
	·	
\$1,250		
		Violation Events
1		
	Violation Events 3 270 Number of violation days	Number of \
	4	
	daily <u>Million Common of the C</u>	
	Weekly	
¢2.750	monthly Violation Rose Bonalty	mark only one
\$3,750	quarterly x Violation Base Penalty	with an x
	semiannual annual	
	single event	
The state of the s	**************************************	
	Three quarterly events are recommended.	
\$0	miles 0.000 Production	
ΨΟ]	ply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	Good Faith Efforts to Com
	Extraordinary Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
	this violation,	
\$3,750	Violation Subtotal	
	this violation Statutory Limit Test	
	uns violation	Economic Benefit (EB) for
\$6,214	ed EB Amount \$0 Violation Final Penalty Total	Estimate
\$6,214	This violation Final Assessed Penalty (adjusted for limits)	

	Water Quality					Percent Interest	Years of
Violation No.	2						Depreciation
	Thom Cost	Date Required	Final Date	Vec	Interact Caved	5.0 Onetime Costs	15 EB Amount
Item Description		Date Required	riilai Date	113	Interest Saveu	Onetime Custs	LD AINOUL
	114 45000145 41 4	KU-0504575300000000000000000000000000000000	nest 16 1000006716151161757101.	na na na na na minina			HISTORY H. H. H. H. H. S.
Delayed Costs						¥	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		l		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				11 0 00			
		ЛЛ.		0.00	\$0	n/a	\$0
Other (as needed)		1 1		0.00	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 this vi	\$0 olation are include		1.

Screening Da		PCW
Case ID N	No. of Control of Cont	on 3 (September 2011) Levision August 3, 2011
Reg. Ent. Reference N		
Media [Statul		
Violation Num	tor Stephen Thompson	
Rule Cite		
	WQ0014792001, Monitoring and Reporting Requirements No. 1	
Violation Descript	Failed to collect and analyze quarterly effluent samples for Escherichia coli ("E. coli"), as documented during an investigation conducted on September 6 and 13, 2012. Specifically, effluent samples for E. coli were not collected and analyzed for the quarterly periods ending December 31, 2011, March 31, 2012, and June 30, 2012.	
	Base Penalty[\$25,000
>> Environmental Dro	perty and Human Health Matrix	
Liviounchan, 110	Harm	
Rele		
OR AC Poter	tual x Percent 5.0%	
>>Programmatic Matri Falsificati		
Faisiileau	on Major Moderate Minor Percent 0.0%	
Matrix Fallure t	o collect E. coli samples could expose human health or the environment to a significant	
Notes	amount of contaminants which would not exceed protective levels.	
L		
	Adjustment \$23,750	
		\$1,250
Violation Events		
Number	of Violation Events 3 Number of violation days	
mark only o with an x		\$3,750
Three qu	uarterly events are recommended, calculated for the quarters in which sampling did not occur.	
Good Faith Efforts to C	omply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary N/A x (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Subtotal	\$3,750
Economic Benefit (EB)	for this violation Statutory Limit Test	
	mated EB Amount \$172 Violation Final Penalty Total	\$6,214
ESUI		\$6,214
	This violation Final Assessed Penalty (adjusted for limits)	Φ 0,214

Violation No.	Water Quality ว					Percent Interest	Years of Depreciation
•						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment		II		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	6-Sep-2012	1-Aug-2013	0.90	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	 In the contract of the contract o			0.00 0.00 nt nece	\$0 \$0 essary to update o	n/a n/a perational guidance	\$0 to ensure that
Other (as needed) Notes for DELAYED costs Avoided Costs	effluent is m	onitored for E. co	li on a quarterly estimate	0.00 0.00 nt nece basis, d date	\$0 \$0 essary to update o calculated from the of compliance. ng item (except	n/a n/a perational guidance ne date of the invest for one-time avoid	\$0 to ensure that igation to the led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	effluent is m	onitored for E. co	li on a quarterly estimate	nt neces basis, d date	\$0 \$0 essary to update o calculated from the of compliance. ng item (except \$0	n/a n/a perational guidance ne date of the invest for one-time avoid	\$0 to ensure that igation to the led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	effluent is m	onitored for E. co	li on a quarterly estimate	nt neces basis, d date entering 0.00 0.00 0.00	\$0 \$0 essary to update o calculated from the of compliance. ng item (except \$0 \$0	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0	\$0 to ensure that igation to the ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	effluent is m	onitored for E. co	li on a quarterly estimate	0.00 0.00 nt nece basis, d date enterir 0.00 0.00	\$0 \$0 essary to update o calculated from th of compliance. ig item (except \$0 \$0 \$0	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0 \$0	\$0 to ensure that igation to the led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	effluent is m	onitored for E. co	li on a quarterly estimate	0.00 0.00 nt nece basis, d date enterir 0.00 0.00 0.00	\$0 \$0 essary to update o calculated from the of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 to ensure that igation to the led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	effluent is m	onitored for E. co	li on a quarterly estimate costs before	0.00 0.00 nt nece basis, d date enterin 0.00 0.00 0.00	\$0 \$0 essary to update o calculated from the of compliance. ig item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 to ensure that igation to the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	effluent is m	onitored for E. co	li on a quarterly estimate	0.00 0.00 nt nece basis, d date enterir 0.00 0.00 0.00 0.00	\$0 \$0 cassary to update o calculated from the of compliance. In item (except \$0 \$0 \$0 \$0 \$0 \$10 \$11	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0 \$0 \$0 \$0 \$150	\$0 to ensure that igation to the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$161
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL \$150	onitored for E. co	li on a quarterly estimate costs before of the costs before	0.00 0.00 nt nece basis, d date enterin 0.00 0.00 0.00 0.00 1.42 0.00	\$0 \$0 essary to update o calculated from the of compliance. 19 item (except \$0 \$0 \$0 \$0 \$0 \$11 \$0	n/a n/a n/a perational guidance ne date of the invest for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 to ensure tha igation to the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Date 5-Dec-2012	Docket No. 2012-		PCW
	dent Benbrook Texa No. 45841	as Limited Partnership		ion 3 (September 2011)
Reg. Ent. Reference		3	PCW F	Revision August 3, 2011
	ute] Water Quality			
	ator Stephen Thom	npson		
Violation Nu				*
Rule C	te(s) 30 Tex. A	Admin. Code § 305.125(1) and TPDES Permit N Monitoring and Reporting Requirements N	11.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	
Violation Descri	manner t investigal documented t 5-day bloch using an arith February 2012 operator's	erform all measurements, tests and calculation to ensure the accurate reporting of data, as do tion conducted on September 6 and 13, 2012. That the Respondent did not report the daily average for the months of September a 2. Additionally, the total chlorine residual efflu daily log of measurements was inconsistent with discharge monitoring reports ("DMRs") for 2011 and March, May and September 2	cumeted during an Specifically, it was rerage concentrations of pended solids ("TSS") and December 2011 and ent data as shown in the ith the data that was the months of October	
			Base Penalty	\$25,000
-> Environmental, Pr	operty and Hum	nan Health Matrix		
		Harm Moderate Minor		
1888888888888	lease Major Actual	Pioderate Pilifoi		
Po	tential	Perce	nt 0.0%	
>Programmatic Mat	riv			
Falsific	558866666666660000000000000000000000000	Moderate Minor		
		X Perce	nt 2.5%	
Matrix	Between	30 and 70% of the rule requirement was not	net.	
Notes			1::11:11: 11: 1::1:1:	
88888888888888888888888888888888888888				
<u>L</u>				
<u> </u>		Adjustm	ant \$24,375	
<u> </u>		Adjustm	ent \$24,375	\$62!
		Adjustmo	ent \$24,375	\$62
iolation Events		Adjustm	ent \$24,375	\$62!
	per of Violation Events		ent \$24,375]	\$62!
	*			\$62
0.0000000000000000000000000000000000000	dally			\$62!
Numb	daily weekly monthly			\$62:
0.0000000000000000000000000000000000000	daily weekly monthly ly one n x	s 212 Numb		
Numb mark on	daily weekly monthly guarterly n x semiannual	s 212 Numb	er of violation days	
Numb mark on	daily weekly monthly ly one n x	s 212 Numb	er of violation days	
mark oni	daily weekly monthly guarterly semiannual annual	S 212 Numb	er of violation days	
Numb mark oni	daily weekly monthly quarterly semiannual annual single event	s 7 212 Numb	er of violation days /iolation Base Penalty	
Numb mark oni	daily weekly monthly quarterly semiannual annual single event	S 212 Numb	er of violation days /iolation Base Penalty	
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event	S 7 212 Numb Language State of the State of	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event	S 7 212 Numb 2 12 Numb	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event	S 7 212 Numb Language State of the State of	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single ex	s 7 212 Numb x 212 Numb x x 212 Numb x x 212 Numb x x 212 Numb x x 212 Numb	er of violation days /iolation Base Penalty	\$4,37
Numb mark on	daily weekly monthly quarterly semiannual annual single event Seven single ex Comply Extraordinary	s 7 212 Numb x 212 Numb x x 212 Numb	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single ev Comply Extraordinary Ordinary N/A	vents (one for each inaccurate DMR) are recor 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the good fail	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single ev Comply Extraordinary Ordinary	vents (one for each inaccurate DMR) are recor 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer X (mark with x) The Respondent does not meet the good fail	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single ev Comply Extraordinary Ordinary N/A	Numb 212 Numb 212 Numb 213 Numb 214 Numb 215 Numb 216 Numb 217 Numb 218 Numb	er of violation days /iolation Base Penalty	\$4,37
Numb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single ev Comply Extraordinary Ordinary N/A	Numb 212 Numb 212 Numb 213 Numb 214 Numb 215 Numb 216 Numb 217 Numb 218 Numb	er of violation days /iolation Base Penalty	\$4,37
Mumb mark on with a	daily weekly monthly quarterly semiannual annual single event Seven single event Comply Extraordinary Ordinary N/A Notes	S 7 212 Numb X 312 Numb X 31	er of violation days /iolation Base Penalty nmended. h criteria for Violation Subtotal	\$4,375 \$4,375
Numb mark on with a ood Faith Efforts to	daily weekly monthly quarterly semiannual annual single event Seven single exert Comply Extraordinary Ordinary N/A Notes	S 7 212 Numb Number of the second se	er of violation days /iolation Base Penalty mmended. h criteria for Violation Subtotal utory Limit Test	\$4,375 \$0 \$4,375
Numb mark on with a ood Faith Efforts to	daily weekly monthly quarterly semiannual annual single event Seven single event Comply Extraordinary Ordinary N/A Notes	S 7 212 Numb Number of the second se	er of violation days /iolation Base Penalty nmended. h criteria for Violation Subtotal	\$4,37 <u>5</u> \$0

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. eg. Ent. Reference No.	45841	as Limited Partner	ship				
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$350	20-Oct-2011	***	0.00 1.78	\$0 \$31	n/a n/a	<u>\$0</u> \$31
	The delay	ed cost includes th	ne estimated ar	nount r	necessary to subm	it correct DMRs (\$5)) per DMR).
Notes for DELAYED costs	calculai	ted from the due o	late of the first	inaccu	rate DMR to the e	stimated date of cor	npliance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoi	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
					\$0	CFT :	
ONE-TIME avoided costs [3]			•	0.00		\$0	\$0
				0.00	\$0 \$0	\$0	
ONE-TIME avoided costs [3]				~			\$0

Screening Date	5-Dec-2012 Docket No. 2012-2700-MWD-E		PCW
	·		n 3 (September 2011)
Case ID No.		PCW Re	vision August 3, 2011
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violation Number	5 5		
Rule Cite(s)	30 Tex, Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit	No	
	WQ0014792001, Monitoring and Reporting Requirements No. 1	140.	
1	Failed to timely submit effluent monitoring results as specified in the per	mit. as	
Violation Description	documented during an investigation conducted on September 6 and 13,	2012.	
Violation Description	Specifically, the DMR for the monitoring period ending October 31, 2011,	was not	
970	submitted by the 20th day of the following month.		
	Base	Penalty	\$25,000
>> Environmental, Proper	ty and Human Health Matrix Harm		
Release	Major Moderate Minor		
OR Actual			
Potential	Percent 0.0%		
>> Programmatic Matrix Falsification	Major Moderate Minor		
	x Percent 1.0%		
		-	
Matrix			
Notes	Less than 30% of the rule requirement was not met.		
i.mimimimimi			
	Adjustment	\$24,750	
		42 17. 32	
The state of the s			\$250
Violation Events			
Number of \	/iolation Events 1 410 Number of violation o	lays	
	dally		
	weekly		
,	monthly		
mark only one with an x	quarterly Violation Base	Penalty	\$250
	semiannual		
	annual		
	single event x		
	One single event is recommended.		
Good Faith Efforts to Com	ply 0.0% Reduction	Γ	\$0
	Before NOV NOV to EDPRP/Settlement Offer		
	Extraordinary Extraordinary		
	Ordinary		
	N/A (mark with x)		
	The Respondent does not meet the good faith criteria for		
	Notes this violation.		
	Violation	Subtotal	\$250
Economic Benefit (EB) for	this violation Statutory Limit	rest	
Estimat	ed EB Amount \$1 Violation Final Pena	Ity Total	\$414
	This state Pink source Source to 1 at 1 at 2		4444
	This violation Final Assessed Penalty (adjusted fo	n mmt5)	\$414

					rksheet		
Respondent	Benbrook Texa	as Limited Partner	ship				
Case ID No.	45841						
eg. Ent. Reference No.	RN102963238						
Media	Water Quality					Percent Interest	Years of
Violation No.	5					rercent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u>\$0</u>
Training/Sampling		 		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
		1		I U.UU.	DC.	1170	3U
Other (as needed)	\$25 The delayed	20-Nov-2011		1.12 unt nec	sessary to submit 1	n/a	\$1
Notes for DELAYED costs	The delayed	cost includes the	estimated amo	unt nec	essary to submit t	n/a the DMR for the mor due to the date of s	\$1 nitoring period
	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	unt ned m the d	essary to submit that the DMR was	the DMR for the mor	\$1 hitoring period ubmittal.
Notes for DELAYED costs	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	unt nec m the c enterio	essary to submit is late the DMR was and item (except \$0	the DMR for the mor due to the date of s for one-time avoid	\$1 nitoring period ubmittal. ded costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	unt neom the centerio	essary to submit that the DMR was no item (except \$0 \$0	the DMR for the mor due to the date of s for one-time avoid \$0 \$0	\$1 nitoring period ubmittal. ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	unt nec m the c enterin 0.00 0.00	essary to submit that the DMR was ng item (except \$0 \$0 \$0	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0	\$1 itoring period ubmittal. ied costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	unt neometrical enterior (10.00) 0.00 0.00 0.00 0.00	cessary to submit of date the DMR was ng item (except \$0 \$0 \$0 \$0 \$0	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0	\$1 hitoring period ubmittal. ded costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	enterio 0.00 0.00 0.00 0.00 0.00	essary to submit of the DMR was not item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0 \$0	\$1 hitoring period ubmittal. ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00	essary to submit that the DMR was solved the DMR was solved to solve the solved that the solved the solved the solved the solved that the solved the sol	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0 \$0 \$0	\$1 hitoring period ubmittal. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	enterio 0.00 0.00 0.00 0.00 0.00	essary to submit of the DMR was not item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0 \$0	\$1 hitoring period ubmittal. ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delayed ending	cost includes the October 31, 2011	estimated amo , calculated fro	enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00	essary to submit that the DMR was solved the DMR was solved to the desired that the desired	the DMR for the mor due to the date of s for one-time avoid \$0 \$0 \$0 \$0 \$0	\$1 hitoring period ubmittal. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Dat		PCW
	Benbrook Texas Limited Partnership	Policy Revision 3 (September 2011)
Case ID N Reg. Ent. Reference N		PCW Revision August 3, 2011
Media [Statute		
	Stephen Thompson	
Violation Numb	er IIII 1988 6 Page 1	
Rule Cite(30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792	2001,
	Monitoring and Reporting Requirements No. 7.c	
Violation Description	Failed to submit non-compliance notifications for effluent violations that e the permitted effluent limit by 40% or more for the monitoring periods end 30, 2012 through August 31, 2012, as documented during an investig	ding June
	Base	Penalty \$25,000
>> Environmental Prop	erty and Human Health Matrix	
environmental, riop	Harm	
Relea		
OR Actu		
Potent	Percent 0.0%	***************************************
>>Programmatic Matrix		
Falsificatio	n Major Moderate Minor	
	X Percent 5.0%	
[accession contracts		
Matrix	100% of the rule requirement was not met.	
Notes	100 % of the face requirement was not met.	
<u> </u>		
	Adjustment	\$23,750
		\$1,250
		<u> </u>
Violation Events		
Number	of Violation Events 3 92 Number of violation	days
mark only or with an x	dally weekly monthly quarterly semiannual annual single event x	e Penalty \$3,750
Three singl	e events are recommended, one for each month that a non-compliance notific not submitted.	ation was
L		
Good Faith Efforts to Co		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	and distributions and the state of the state
	Violation	Subtotal \$3,750
		*
Economic Benefit (EB) f	or this violation Statutory Limit	icst
Estim	ated EB Amount \$90 Violation Final Pena	alty Total \$6,214
	This violation Final Assessed Penalty (adjusted for	or limits) \$6,214
		, , , , , , , , , , , , , , , , , , , ,

Respondent	Benbrook Texa	conomic as Limited Partner		Wo	rksheet		
Case ID No. leg. Ent. Reference No.							
Media	Water Quality					Percent Interest	Years of
Violation No.	6						Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	15 EB Amount
Item Description		V N 	, ,,,u, , u,, c			<i></i>	
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	6-Sep-2012	1-Aug-2013	0.90	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
	The delayed o	ost includes the	estimated amou	nt nece	essary to undate o	nerational quidance	to ensure that
Notes for DELAYED costs	exceedar	ices of the permit	ted effluent lim	ts by 4	10% or more are p	perational guidance properly reported to ed date of complian	the TCEQ,
	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	ts by 4 estigat	10% or more are plant to the estimat		the TCEQ, ce.
Notes for DELAYED costs Avoided Costs Disposal	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	ts by 4 estigat	10% or more are plant to the estimat	roperly reported to ed date of complian	the TCEQ, ce.
Avoided Costs	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	ts by 4 estigat enterir	0% or more are prion to the estimating item (except)	roperly reported to ed date of complian for one-time avoid	the TCEQ, ce. ded costs)
Avoided Costs Disposal Personnel	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	ts by 4 estigat enterin 0.00 0.00 0.00	io% or more are pion to the estimating item (except \$0 \$0 \$0	roperly reported to ed date of complian for one-time avoid \$0 \$0	the TCEQ, ce. ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	ts by 4 estigat enterin 0.00 0.00 0.00 0.00	10% or more are p ion to the estimat ng item (except \$0 \$0 \$0 \$0	roperly reported to ed date of complian for one-time avoid \$0 \$0 \$0	the TCEQ, ce. ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	exceedar co ANNUAL	nces of the permit alculated from the IZE [1] avoided	ted effluent lime date of the inv	estigat enterir 0.00 0.00 0.00 0.00	10% or more are pion to the estimating item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	roperly reported to ed date of complian for one-time avoid \$0 \$0 \$0 \$0 \$0	the TCEQ, ce. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment	exceedar c	nces of the permit alculated from the	ted effluent lim date of the inv	nterir 0.00 0.00 0.00 0.00 0.00 1.08	10% or more are prion to the estimating item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$4	roperly reported to ed date of complian for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$75	the TCEQ, ce. ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	exceedar co ANNUAL	nces of the permit alculated from the IZE [1] avoided	ted effluent lime date of the inv	estigat enterir 0.00 0.00 0.00 0.00	10% or more are pion to the estimating item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	roperly reported to ed date of complian for one-time avoid \$0 \$0 \$0 \$0 \$0	the TCEQ, ce. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	exceedar co	nces of the permit alculated from the IZE [1] avoided	costs before a 30-Aug-2012 e estimated amo equired is the div	estigat enterir 0.00 0.00 0.00 0.00 0.00 1.08 0.00 ount neate the	10% or more are p ion to the estimat ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	roperly reported to ed date of complian for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$75	the TCEQ, ce. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$notifications

.

Screening Date		PCW
Respondent Case ID No.	•	sion 3 (September 2011) Revision August 3, 2011
Reg. Ent. Reference No.		
Media [Statute]		
Enf. Coordinator		
Violation Number Rule Cite(s)	The High state of the same same same same same same same sam	1
	30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a	
	Failed to properly conduct analysis of the total chlorine residual of collected effluent	
Violation Description	samples, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, a review of the operator's daily log of measurements showed that a manganese oxide correction was not included on part of the total chlorine residual analysis on May 14, 2012.	
	Base Penalty	\$25,000
>> Environmental Droper	ty and Human Health Matrix	
>> ciiviioiiiieitai, riopei	Harm	
Release OR Actual	Major Moderate Minor	
OR Actual Potential	x Percent 3.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
Faisincation	Major Moderate Minor Percent 0.0%	
		3
Matrix As a result of	this violation human health or the environment could be exposed to an insignificant	
Notes	amount of contaminants which would not exceed protective levels.	
<u> </u>		J
	Adjustment \$24,250]
ининин		\$750
Violation Events		
Number of '	Violation Events 1 Number of violation days	•
mark only one with an x	daily weekly monthly quarterly semiannual	\$750
	annual single event	
	single event x x	
	One single event is recommended.	
Good Faith Efforts to Com	ply 10.0% Reduction	\$75
	Before NOV NOV to EDPRP/Settlement Offer	*
	Extraordinary	***************************************
	Ordinary	
	Notes The Respondent achieved compliance on January 2, 2013.	***************************************
	Violation Subtotal	\$675
Economic Benefit (EB) for	this violation Statutory Limit Test	
		£1 167
Estimat	ed EB Amount \$0 Violation Final Penalty Total	
	This violation Final Assessed Penalty (adjusted for limits)	\$1,167

	Benbrook Texa	as Limited Partner	ship		rksheet		
Case ID No.			*				
eg. Ent. Reference No.							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
violation ivo.						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
शुक्ष (१९५) व्यक्त वर्ष वर्ष वर्ष वर्ष कर के किया के किया है। यह के वर्ष कर किया है। इसके प्रकृतिक के किया किया किया किया किया किया किया किया	::::::::::::::::::::::::::::::::::::::		16			der de la company de la compan	erinadii in au ann na mann ann an mann ann an ann ann
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	l n/a	l \$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	The delayed	costs associated v	vith the violatio			n/a violation no. 3 on P	\$0
,				n have enterir	been captured by		\$0 CW revision 2.
Notes for DELAYED costs Avoided Costs Disposal				n have enterir	been captured by ng item (except \$0	violation no. 3 on P for one-time avoi \$0	\$0 CW revision 2. ded costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel				n have enterir 0.00 0.00	been captured by ng item (except \$0 \$0	violation no. 3 on P for one-time avoid \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling				n have enterir 0.00 0.00	been captured by ng item (except) \$0 \$0 \$0	violation no. 3 on P for one-time avoi \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel personnel spection/Reporting/Sampling Supplies/equipment				n have enterir 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoided to the solution of	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				n have enterir 0.00 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoi- \$0 \$0 \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				enterir 0.00 0.00 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				n have enterir 0.00 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoi- \$0 \$0 \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				enterir 0.00 0.00 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				enterir 0.00 0.00 0.00 0.00 0.00	been captured by ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation no. 3 on P for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 CW revision 2. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		100000000000000000000000000000000000000
	Benbrook Texas Limited Partnership	Policy Revision 3 (September 2011)
Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Reference No. Media [Statute]		and the second s
Enf. Coordinator		
Violation Number	8	
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) a	and TPDFS
	Permit No. WQ0014792001, Permit Conditions 2.g	
	Failed to prevent the unauthorized discharge of wastewater, as docume	
Violation Description	an investigation conducted on September 6 and 13, 2012. Specifically, occurred on July 31, 2012, at the on-site lift station due to a power fai	
Violation Description	discharge occured on September 5 and 6, 2012, due to a return activa	
	pump malfunction.	
· ·		
	Ва	ase Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent 5.0%	6
>>Programmatic Matrix	Major Madarata Minar	•
Falsification	Major Moderate Minor Percent 0.09	7
<u> Linuxianininini</u>	Fercent 0.07	<u> </u>
	th or the environment has been exposed to insignificant amounts of pollu	tants as a
Notes	result of the violation.	
<u> </u>		
	Adjustment	\$23,750
		\$1,250
Violation Events		
Number of 1	riolation Events 3 127 Number of violatio	on days
Number of	violation Events 3 127 Number of violation	ii days
	daily	
	weekly	
mark only one	monthly	
with an x	quarterly X Violation Ba	ase Penalty \$3,750
	semiannual	
	annual single event	
Three quart	erly events are recommended. For the earlier discharge, two events are	calculated
	of the discharge, July 31, 2012, to the date of screening, December 5, 2	
later discharg	e, one event is calculated from the date of the discharge September 6, 2 date of screening, December 5, 2012.	012, to the
L.	uate of scienting, December 3, 2012:	ا
Good Faith Efforts to Com	oly 10.0% Reduction	\$375
3334	Before NOV NOV to EDPRP/Settlement Offer	
***************************************	Extraordinary	THEFT
	Ordinary X	HAMAMA
	N/A	~
	The Respondent achieved compliance on January 2,	***************************************
	Notes 2013.	HINNE
	EARTHENNER SEA ACCEPTED THE SEA OF SEA OF SEA OF SEA OF SEA	4
200	Violatio	on Subtotal \$3,375
Economic Downsit /Fn\ f==	this wateries	ii+ Tee+
Economic Benefit (EB) for	this violation Statutory Lim	IL ICSL
Estimat	ed EB Amount \$53 Violation Final Pe	enalty Total \$5,837
	This violation Final Assessed Penalty (adjusted	l for limits) \$5,837

	Bas 9	conomic I	benent	VVO	LKPHEEL		
Respondent B	Benbrook Texa	as Limited Partner	ship				
Case ID No. 4			•				
ea. Ent. Reference No. F							
	Water Quality						Years of
Violation No. 8	- ,					Percent Interest	Depreciation
Violation No. 3	3		\$556,566655655565555555555555555			F 0	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs_				.,	.		
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		<u> </u>		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
		1 24 101 2042 1	2-Jan-2013	0.42	\$53	l n/a l	\$53
Remediation/Disposal	\$2,500	31-Jul-2012	2-2011-2012				
Permit Costs	\$2,500	31-701-2012	2-Jail-2012	0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0		\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n	\$0 \$0 necessary to clean the first discharge	n/a n/a the affected areas a e to the date of com	\$0 \$0 and properly pliance.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of	\$0 \$0 necessary to clean the first discharge ng item (except	n/a n/a the affected areas a e to the date of com for one-time avoid	\$0 \$0 and properly pliance. led costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enterin	\$0 \$0 necessary to clean the first discharge ng item (except \$0	n/a n/a the affected areas a to the date of com for one-time avoid	\$0 \$0 and properly pliance. led costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enterii 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0	n/a n/a the affected areas a e to the date of com for one-time avoid \$0 \$0	\$0 \$0 and properly pliance. led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enterin 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0	n/a n/a the affected areas a to the date of com for one-time avoid \$0 \$0	\$0 \$0 and properly pliance. led costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enterin 0.00 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a the affected areas a to the date of com for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enteria 0.00 0.00 0.00	\$0 \$0 hecessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a the affected areas are to the date of com for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. !ed costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel personnel aspection/Reporting/Sampling Supplies/equipment	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enterin 0.00 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a the affected areas a to the date of com for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. led costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enteria 0.00 0.00 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a the affected areas are to the date of com for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. ied costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enteria 0.00 0.00 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a the affected areas are to the date of com for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. ied costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The delaye dispos	ed costs include the of wastes, calcu	e estimated an lated from the	0.00 0.00 nount n date of enteria 0.00 0.00 0.00 0.00	\$0 \$0 necessary to clean the first discharge ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a the affected areas are to the date of com for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 and properly pliance. ied costs) \$0 \$0 \$0 \$0

Screening Date 5-Dec-2012 Docket No. 2012-2700-MWD-E	PCW
	3 (September 2011)
	sion August 3, 2011
Reg. Ent. Reference No. RN102963238 Media [Statute] Water Quality	
Enf. Coordinator Stephen Thompson	
Violation Number 9	
Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES	
Permit No. WQ0014792001, Permit Conditions 2.d and Effluent Limitations and	
Monitoring Requirements No. 4	
Failed to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely effecting human	
health or the environment, as documented during an investigation conducted on	
Violation Description September 6 and 13, 2012. Specifically, there was a large accumulation of sludge	
in the receiving stream located directly around the outfall pipe; when stirred, the	
sludge was noted to be septic and malodorous.	
Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual Communication of the	
Potential Percent 15.0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0.0%	
The Company of the Co	
Matrix Human health or the environment has been exposed to a significant amount of contaminants which	
Notes do not exceed protective levels as a result of this violation.	
Adjustment \$21,250	i
	\$3,750
Violation Events	
Number of Violation Events 1 12 Number of violation days	
■************************************	
daily	
weekly monthly x	
mark only one Quarterly Violation Base Penalty	\$3,750
with an x semiannual semiannual	
annual	
single event	
One monthly event is recommended, calculated from the date of the investigation, September 6, 2012, to the date of compliance, September 18, 2012.	
Good Faith Efforts to Comply 25.0% Reduction	\$937
Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary Extraordinary	***************************************
Ordinary x	avancan.
N/A (mark with x)	· · · · · · · · · · · · · · · · · · ·
Notes The Respondent achieved compliance on September 18,	
2012.	***************************************
VC-1-A1 O	#2.013
Violation Subtotal	\$2,813
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$10 Violation Final Penalty Total	\$5.273
Estimated EB Amount \$10 Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)	\$5,273 \$5,273

Media Violation No.	Water Quality 9					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				-			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		ļ		0.00	\$0	n/a	\$0
				12 63 6143 1	\$0	n/a	\$0
Training/Sampling	17777	6 6 2042	70 6 3013		4.3	272	4.5
Remediation/Disposal	\$1,000	6-Sep-2012	18-Sep-2012	0.03	\$2 #0	n/a	<u>\$2</u>
Remediation/Disposal Permit Costs Other (as needed)	\$5,000 The delaye	6-Sep-2012 d costs include th	18-Sep-2012 e estimated an	0.03 0.00 0.03 nount n	\$0 \$8 ecessary to remov	n/a n/a re the sludge from t	\$0 \$8 he receiving
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manag	\$0 \$8 ecessary to remov gement plan to pre ion to the date of	n/a n/a ve the sludge from t event future dischar compliance.	\$0 \$8 he receiving ges, calculated
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manag restigat	\$0 \$8 ecessary to remov gement plan to pre ion to the date of ng item (except	n/a n/a we the sludge from t event future dischar compliance. for one-time avoid	\$0 \$8 he receiving ges, calculated
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manage estigat enterin	\$0 \$8 ecessary to remove gement plan to pre- ion to the date of ng item (except \$0	n/a n/a we the sludge from to event future dischar- compliance. for one-time avoid	\$0 \$8 he receiving ges, calculated ded costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manag restigat enterin 0.00 0.00	\$0 \$8 ecessary to removement plan to pre- ion to the date of ng item (except \$0 \$0	n/a n/a n/a re the sludge from t event future dischar compliance. for one-time avoid \$0 \$0	\$0 \$8 he receiving ges, calculated led costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manage estigat enterir 0.00 0.00	\$0 \$8 ecessary to removement plan to pre- ion to the date of ng item (except \$0 \$0 \$0	n/a n/a n/a re the sludge from t event future dischar- compliance. for one-time avoid \$0 \$0 \$0 \$0	\$0 \$8 he receiving ges, calculated led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manage estigat enterin 0.00 0.00 0.00	\$0 \$8 ecessary to removement plan to pre- ion to the date of ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a re the sludge from t event future dischar- compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$8 he receiving ges, calculated !ed costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 0.03 nount n manage estigat enterir 0.00 0.00 0.00 0.00	\$0 \$8 ecessary to remove gement plan to presion to the date of ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a re the sludge from the event future discharace. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$8 he receiving ges, calculated led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	\$5,000 The delaye stream and to	6-Sep-2012 of costs include the develop and imp from the	18-Sep-2012 re estimated am plement a solids date of the inv	0.03 0.00 0.03 nount n manage estigat enterin 0.00 0.00 0.00	\$0 \$8 ecessary to removement plan to pre- ion to the date of ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a re the sludge from t event future dischar- compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$8 he receiving ges, calculated !ed costs) \$0 \$0 \$0

Benbrook Texas Limited Partnership TPDES Permit No. WQ0014792001 Docket No. 2012-2700-MWD-E

	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Loading	BOD5 Daily Avg. Conc.	Total Chlorine Residual Grab Sample*	Dissolved Oxygen Grab Sample**
	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 4.4 lbs/day	Limit = 10 mg/L	Min. limit = 1.0 mg/L	Min. limit = 4.0 mg/L
October 2011	с	с	· c	11.2	c	С
June 2012	21.7	с	с	с	С	c
July 2012	22.7	c	c	с	с	c ·
August 2012	35.7	68	4.7	10.6	c	c
September 2012	19.1	c	с	15.2	0.72	3.54

TSS = total suspended solids Avg. = average
mg/L = milligrams per liter
Min. = minimum lbs/day = pounds per day

Conc. = concentration BOD5 = five-day biochemical oxygen demand c = compliant*Based on grab sample collected on September 6, 2012
**Based on grab sample collected on September 13, 2012

		w

The TCEO is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN603181231, RN102963238, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN603181231, Benbrook Texas Limited Classification: SATISFACTORY

Rating: 6.77

or Owner/Operator:

Regulated Entity:

Partnership

RN102963238. BENBROOK VILLAGE MHP Classification: SATISFACTORY

Rating: 6.77

Complexity Points:

8

Repeat Violator: NO

CH Group:

14 - Other

Location:

5130 BEN DAY MURRIN ROAD, LOT 841, FORT WORTH, TARRANT COUNTY, TX

TCEQ Region:

REGION 04 - DFW METROPLEX

ID Number(s):

WASTEWATER PERMIT WQ0014792001

WASTEWATER EPA ID TX0093082

WASTEWATER EPA ID TX0093092

WASTEWATER LICENSING LICENSE WQ0012723001

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: December 17, 2012 Agency Decision Requiring Compliance History:

Component Period Selected: December 17, 2007 to December 17, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Stephen Thompson

Phone: (512) 239-2558

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period? 3) If YES for #2, who is the current owner/operator?

4) If YES for #2, who was/were the prior

N/A N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator N/A

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 02/08/2008 1

ADMINORDER 2007-0371-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:WQ0012723-001 PERMIT

Description: Failure to submit the Annual Sludge Report (ASR) for FY06 by September 1, 2006.

Classification: Major

30 TAC Chapter 305, SubChapter C 305.42(a) Citation:

TWC Chapter 26 26.121

Description: Failure to operate with a current permit.

2 ADMINORDER 2009-0628-MWD-E (Findings Order-Agreed Order Without Denial)

Effective Date: 12/04/2010

Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 28, 2008	(694239)
Item 2	June 23, 2008	(715606)
Item 3	July 14, 2008	(715607)
Item 4	February 24, 2009	(754638)
Item 5	April 27, 2009	(771876)
Item 6	July 31, 2009	(815653)
Item 7	September 28, 2009	(815654)
Item 8	October 22, 2009	(815655)
Item 9	January 20, 2010	(815658)
Item 10	March 08, 2010	(815650)
Item 11	March 22, 2010	(834700)
Item 12	April 28, 2010	(834701)
Item 13	June 14, 2010	(845307)
Item 14	June 17, 2010	(847430)
Item 15	August 04, 2010	(868321)
Item 16	October 04, 2010	(882836)
Item 17	November 29, 2010	(889230)
Item 18	December 22, 2010	(897612)
Item 19	March 11, 2011	(917636)
Item 20	March 21, 2011	(917637)
Item 21	April 20, 2011	(928855)
Item 22	May 23, 2011	(939342)
Item 23	June 27, 2011	(946746)
Item 24	July 25, 2011	(954007)
Item 25	August 19, 2011	(960599)
Item 26	September 26, 2011	(966666)
Item 27	October 21, 2011	(972666)
Item 28	December 09, 2011	(985644)
Item 29	January 20, 2012	(991978)
Item 30	February 07, 2012	(999296)
Item 31	March 20, 2012	(1004802)
Item 32	April 18, 2012	(1011392)
Item 33	May 16, 2012	(1017749)
Item 34	June 20, 2012	(1025533)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

Description:

06/30/2012 (1032873)

CN603181231

Classification:

Self Report? 2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

2

1

Date:

07/31/2012

CN603181231

Moderate

Moderate

Self Report? Citation:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

Classification:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

3

Date: 08/31/2012 CN603181231

Moderate

Self Report? YES

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

4 Date: 09/30/2012 CN603181231

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING BENBROOK	§	TEXAS COMMISSION ON
TEXAS LIMITED PARTNERSHIP	§	
RN102963238	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-2700-MWD-E

I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Benbrook Texas Limited Partnership ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns a wastewater treatment facility at 5130 Ben Day Murrin Road, Lot 841 in Fort Worth, Tarrant County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 21, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Sixty-Five Thousand Three Hundred Seventy-One Dollars (\$65,371) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Assurance Section of the Commission's Financial Administration Division reviewed financial

documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Sixty-One Thousand Seven Hundred Seventy-One Dollars (\$61,771) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent has paid One Hundred Dollars (\$100) of the undeferred administrative penalty. The remaining amount of Three Thousand Five Hundred Dollars (\$3,500) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On September 18, 2012, removed sludge from the receiving stream, ensured proper disposal and implemented a solids management plan;
 - b. On January 2, 2013, the discharge monitoring report ("DMR") for the monitoring period ending October, 31, 2011, was submitted;
 - c. On January 2, 2013, documentation was submitted demonstrating that the analysis of the total chlorine residual of collected effluent samples is being properly conducted; and
 - d. On January 2, 2013, documentation was submitted demonstrating that waste from discharges that occurred has been cleaned up and disposed of properly and maintenance has been performed on the treatment plant and lift station to reduce the likelihood of the occurrence of future unauthorized discharges.

- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

- 1. Failed to ensure that all systems of collection, treatment and disposal are properly operated and maintained, in violation of 30 Tex. Admin. Code § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014792001, Operational Requirements No. 1, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, the on-site lift station did not have functional audible or visual alarms and only had one functional pump. Additionally, the effluent filter was not in use, the return activated sludge line was not fully functional and the entire plant showed signs of severe corrosion.
- Failed to comply with permitted effluent limits, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, as documented during an investigation conducted on September 6 and 13, 2012, and a record review conducted on October 1, 2012, and as shown in the following violation table:

	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Loading	BOD5 Daily Avg. Conc.	Total Chlorine Residual Grab Sample*	Dissolved Oxygen Grab Sample**
	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 4.4 lbs/day	Limit = 10 mg/L	Min. limit = 1.0 mg/L	Min. limit = 4.0 mg/L
October 2011	c	с	с	11.2	с	c
June 2012	21.7	с	c	c	с	с
July 2012	22.7	С	c	c	с	c
August 2012	35.7	68	4.7	10.6	с	c
September 2012	19.1	С	С	15.2	0.72	3.54

TSS = total suspended solids Avg. = average mg/L = milligrams per liter Min. = minimum lbs/day = pounds per day Conc. = concentration
BOD5 = five-day biochemical oxygen demand
c = compliant
*Based on grab sample collected on September 6, 2012
**Based on grab sample collected on September 13, 2012

- 3. Failed to collect and analyze quarterly effluent samples for *Escherichia coli* ("*E. coli*"), in violation of 30 Tex. Admin. Code §§ 305.125(1) and 319.4 and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, effluent samples for *E. coli* were not collected and analyzed for the quarterly periods ending December 31, 2011, March 31, 2012, and June 30, 2012.
- 4. Failed to perform all measurements, tests and calculations in a representative manner to ensure the accurate reporting of data, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a, as documeted during an investigation conducted on September 6 and 13, 2012. Specifically, it was documented that the Respondent did not report the daily average concentrations of BOD and TSS using an arithmetic average for the months of February, March, May, July, September and December 2011 and February 2012. Additionally, the total chlorine residual effluent data as shown in the operator's daily log of measurements was inconsistent with the data that was reported on the DMRs for the months of January, February, April, May, July and October 2011 and March, May and September 2012.
- 5. Failed to timely submit effluent monitoring results as specified in the permit, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, the DMR for the monitoring period ending October 31, 2011, was not submitted by the 20th day of the following month.

- 6. Failed to submit non-compliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more for the monitoring periods ending June 30, 2012 through August 31, 2012, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on September 6, 2012.
- 7. Failed to properly conduct analysis of the total chlorine residual of collected effluent samples, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, a review of the operator's daily log of measurements showed that a manganese oxide correction was not included on part of the total chlorine residual analysis on May 14, 2012.
- 8. Failed to prevent the unauthorized discharge of wastewater, in violation of Tex. WATER CODE § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Permit Conditions 2.g, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, a discharge occurred on July 31, 2012, at the on-site lift station due to a power failure and a discharge occured on September 5 and 6, 2012, due to a return activated sludge pump malfunction.
- 9. Failed to minimize or prevent any discharge or sludge use or disposal or other permit violation which has a reasonable likelihood of adversely effecting human health or the environment, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Permit Conditions 2.d and Effluent Limitations and Monitoring Requirements No. 4, as documented during an investigation conducted on September 6 and 13, 2012. Specifically, there was a large accumulation of sludge in the receiving stream located directly around the outfall pipe; when stirred, the sludge was noted to be septic and malodorous.
- 10. Failed to submit the annual sludge report for the monitoring period ending July 31, 2010, by September 30, 2010, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014792001, Sludge Provisions, as documented during an investigation conducted on September 6 and 13, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Benbrook Texas Limited Partnership, Docket No. 2012-2700-MWD-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit the annual sludge report, including the sludge summary, for the monitoring period ending July 31, 2010, in accordance with the requirements of 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0014792001;
 - ii. Submit the revised and corrected DMRs for September 2011, October 2011, December 2011, February 2012, March 2012, May 2012, and September 2012, in accordance with the requirements of 30 Tex. ADMIN. Code § 305.125(1) and TPDES Permit No. WQ0014792001, Monitoring and Reporting Requirements No. 2.a; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure the following:
 - (1) Self-reporting requirements are properly accomplished, including the timely submittal of signed and certified annual sludge reports and DMRs, in accordance with TPDES Permit No. WQ0014792001;
 - (2) Collection and analysis of quarterly effluent samples for *E. coli*, in accordance with TPDES Permit No. WQ0014792001;
 - (3) All measurements, tests and calculations are performed in a representative manner to ensure the accurate reporting of data, in accordance with TPDES Permit No. WQ0014792001; and

- c. Within 90 days after the effective date of this Agreed Order, ensure that all systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to, installing an additional pump at the onsite lift station, repairing the auditory and visual alarms at the on-site lift station, placing the effluent filter in use, restoring the return activated sludge line to full functionality and repairing or replacing equipment that shows signs of excessive corrosion to ensure their proper operation, in accordance with TPDES Permit No. WQ0014792001; and
- d. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c., in accordance with Ordering Provision No. 2.e below; and
- e. Within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014792001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

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Page: 12/12

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Benbrook Texas Limited Partnership DOCKET NO. 2012-2700-MWD-E Page 9

Benbrook Texas Limited Partnership

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	10/31/14 Date
agree to me attached Agreed Order on behan	d the attached Agreed Order. I am authorized to of the entity indicated below my signature, and I therein. I further acknowledge that the TCEQ, in materially relying on such representation.
 A negative impact on compliance histor Greater scrutiny of any permit application Referral of this case to the Attorney additional penalties, and/or attorney for a lacreased penalties in any future enforced Automatic referral to the Attorney General TCEO seeking other relief as authorized 	ry; ions submitted; General's Office for contempt, injunctive relief, es, or to a collection agency; cement actions; neral's Office of any future enforcement actions;
Signature Signature Solis Name (Printed or typed) Authorized Representative of	12/19/2013 Date Area Manager Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.